

PROPOSED AMENDMENT
TO THE
CONSTITUTION
OF THE UNITED STATES

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EIGHTY-NINTH CONGRESS, FIRST SESSION

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

S. J. Res. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE —

“SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

“SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

“SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

“SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

JOHN W. MCCORMACK

Speaker of the House of Representatives.

HUBERT H. HUMPHREY

*Vice President of the United States and
President of the Senate.*

I certify that this Joint Resolution originated in the Senate.

FELTON M. JOHNSTON

Secretary.

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LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 203 accompanying H. J. Res. 1
(Comm. on the Judiciary) and No. 564
(Comm. of Conference).

SENATE REPORT No. 66 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Feb. 18: Considered in Senate.
Feb. 19: Considered and passed Senate.
Apr. 13: Considered and passed House, amended,
in lieu of H. J. Res. 1.
June 30: House agreed to conference report;
Senate considered conference report.
July 6: Senate agreed to conference report.